

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT E. SANFORD,

8:08CV261

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

UNKNOWN NEWTON, Director,
UNKNOWN DAVIS, Corrections Officer,
UNKNOWN DUTCHER, Corrections
Officer, and UNKNOWN SHERMAN,
Case Management,

Defendants.

I. Motion to Compel Discovery

Plaintiff filed Requests for Production of Documents, Admissions, and Interrogatories with the court on December 11, 2009. (Filing Nos. [73](#), [74](#), and [75](#).) However, these discovery requests were never served upon Defendants. (See [Docket Sheet](#).) The progression order entered in this case required that Plaintiff serve all discovery requests by December 30, 2009. (Filing No. [66](#).) It appears that Plaintiff attempted to comply with this provision of the court's progression order by filing his discovery requests with the court. Thus, on the court's own motion, Plaintiff shall have until April 6, 2010, to serve discovery requests on Defendants. Defendants shall have until May 6, 2010, to respond to Plaintiff's requests. All dates set forth in paragraphs 3 through 6 of the court's progression order (filing no. [66](#)) are unaffected by this Memorandum and Order.

II. Motion to Appoint Counsel

Plaintiff seeks the appointment of counsel. (Filing No. [70](#).) However, the court cannot routinely appoint counsel in civil cases. In [Davis v. Scott](#), 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel" *Id.* (quotation and citation omitted). No such benefit is apparent here. The request for the appointment of counsel is therefore denied without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Compel discovery (filing no. [79](#)) is denied.
2. Plaintiff shall have until April 6, 2010, to serve Defendants with his discovery requests.
3. Defendants shall have until May 6, 2010, to respond to Plaintiff's discovery requests.
4. The Clerk of the court is directed to set the following pro se case management deadlines in this case using the following text: April 6, 2010: deadline for Plaintiff to serve discovery requests; May 6, 2010: deadline for Defendants to respond to discovery requests.
5. Plaintiff's Motion to Appoint Counsel (filing no. [70](#)) is denied without prejudice to reassertion.
6. All other pending motions are denied.

DATED this 18th day of March, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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